



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: April 15, 2015

To: Robert Best, Chairman, & Members, Planning Board

From: Jillian M. Harris, AICP, Planning and Zoning Administrator

Subject: **Anheuser-Busch, LLC. (applicant/owner)** – Review for acceptance and consideration of Final Approval for a site plan to construct three building additions totaling 55,100 s.f. and associated site improvements at the existing brewery. The site is located at 221 D.W. Highway in the I-1 (Industrial), Aquifer Conservation Districts and 100-year and 500-year Flood Hazard Areas. Tax Map 3D, Lot 031.

Background:

The subject Anheuser-Busch, LLC property comprises approximately 196 acres and is located in the I-1 (Industrial), Aquifer Conservation Districts and 100-year and 500-year Flood Hazard Areas. Abutting the property to the north is land owned by Eversource (formerly PSNH) and other business entities. Land to the east is owned by Anheuser-Busch, the B&M railroad and the Merrimack River. The wastewater treatment plant, land owned by the Town, a residential tract and raw land border the property to the south. To the west, and across Daniel Webster Highway, is Kolsman, Inc., land owned by the Town, BAE and additional tracts. In general, the properties surrounding the site are a mix of industrial and municipally-owned parcels. The site is serviced by municipal sewer and water by Pennichuck Water Works. The applicant is proposing to construct three separate additions to the main building. Two of the additions (totaling approximately 50,000 SF) will function as warehousing and packaging facilities. The third addition (5,300 SF) will be for brewing. Site improvements associated with the building additions include parking, underground utilities and subsurface stormwater management area.

Completeness: Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers: The applicant requests waivers from Section 7.05.D.4 and 7.05.D.15 (boundary and topographic survey of the entire lot), Section 10.01 (landscape plan) and Section 11.04(2) (photometric site lighting plan). The Board will also need to determine if a waiver is necessary from Section 7.05.D.19 – sidewalks.

Recommendation: Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; **or**

- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

The planning staff recommends that the Board grant conditional final approval to the amended application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. The applicant shall obtain all necessary state permits (including NHDES Alteration of Terrain and an updated NHDOT Driveway permit, as applicable), provide copies of the permits to the Community Development Department file, and note the approvals in the notes on the plan;
3. The applicant may be required to address forthcoming comments (as applicable) from the Lower Merrimack River Local Advisory Committee (LMRLAC) if required by NHDES as part of the Alteration of Terrain Permit;
4. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
5. The applicant to add a note to the plan indicating which sheets are to be recorded at HCRD and that a full set is on file with the Community Development Department;
6. The applicant shall address any forthcoming comments from the Fire Department (as applicable);
7. The applicant shall address all applicable comments from the Town's peer review consultant, CLD;
8. The applicant shall address the following comment from Pennichuck Water Works;
 - a. Sheet 6 of 14, Utility Notes, note number 3 to reflect Pennichuck Water Works, Inc. specifications, not the Merrimack Village District Regulations.
9. The applicant shall address any forthcoming comments from the Wastewater Division (as applicable);
10. The applicant shall address the following comments from the Conservation Commission (as applicable);
 - a. The Commission appreciates and endorses the applicant's use of a NH Green SnowPro certified contractor(s) on their site and their intent to continue with that practice;
 - b. The Commission recommends that only low phosphate, slow release fertilizers be used as part of this project and in the future at the entire site. The Commission further recommends that the applicant's contractor and Anheuser Busch's later use of the site first utilize a soil testing facility to determine what levels and application rates may be necessary before doing any application of fertilizers on the site;
11. The applicant shall address the following planning staff technical comments:

- a. Applicant to include the following statement that references the Stormwater Management Ordinance: This project is subject to the requirements of the Town of Merrimack Stormwater Management Standards (Chapter 167 of the Town's code of ordinances). A Pre-construction meeting with the Town of Merrimack Community Development Department and Public Works Department shall take place at least two weeks prior to commencement of disturbance in accordance with Chapter 167 of the Stormwater Management Standards adopted by the Town of Merrimack Town Council on July 21, 2011;
- b. Applicant to show setbacks outlined in note 2, Sheet 1;
- c. Applicant to include Base Flood Elevation for Zone AE to note 7;
- d. Applicant to include a note on parking requirements (total required and total provided for existing and additions). The addition of 27,000 SF for Packaging requires 27 spaces (1 per 1,000 SF for wholesale businesses larger than 100,000 SF), 5,300 SF for Brewery requires 5 spaces (1 per 1,000 SF) and 22,752 SF for Warehouse requires 15 spaces (1 per 1,500 SF for Warehouse and Storage larger than 100,000 SF). A total of 47 spaces are required for the 3 additions;
- e. Applicant to include the following statement on Sheet 1 per the Subdivision Regulations, Section 4.06.1(k): "The Subdivision Regulations of the Town of Merrimack are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision Regulations excepting only any variances or modifications made in writing by the Board or any variances granted by the Zoning Board of Adjustment and attached hereto";
- f. Applicant to add or revise applicable notes to address Conservation Commission comments.

Staff also recommends that the following general and subsequent condition be placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department.

cc: File
Correspondence
Anheuser-Busch, LLC, Applicant/Owner

ec: James Petropulos, PE, Hayner/Swanson, Inc.
Tom Zajac, EIT, Hayner/Swanson, Inc.
Paul Liversidge, LLS, Hayner/Swanson, Inc.
Fire Captain John Manuele
Ken Conaty & Jim Tayler, Wastewater Division
Tim Tenhave, Conservation Commission Chair
Heidi Marshall & Paul Konieczka, CLD Consulting Engineers
Building Official Fred Kelley
Carol Miner, Building Department